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**Attorneys for Plaintiffs**

**UNITED STATES DISTRICT COURT**  
**Southern District of California**

SAN DIEGO MINUTEMEN, An  
Unincorporated Association,  
  
Plaintiff,  
  
vs.

CALIFORNIA BUSINESS,  
TRANSPORTATION AND HOUSING  
AGENCY'S DEPARTMENT OF  
TRANSPORTATION; DALE BONNER  
in his Official Capacity as Agency  
Director, Business, Transportation and  
Housing Agency; WILL KEMPTON in  
his Official Capacity as CalTrans  
Director; PEDRO ORSO-DELGADO in  
his Official Capacity as Caltrans District  
Director and DOES 1 through 50,  
  
Defendants.

Case Number: 08 CV 0210 WQH RBB

**PLAINTIFF'S NOTICE OF  
MOTION FOR LEAVE TO FILE A  
FIRST AMENDED COMPLAINT**

**Hearing Date: October 27, 2008**  
**Hearing Time: 11:00 a.m.**  
**Court: Courtroom 4**

**NO ORAL ARGUMENT UNLESS  
REQUESTED BY THE COURT**

TO THE PARTIES AND THEIR RESPECTIVE COUNSEL HEREIN:

NOTICE IS HEREBY GIVEN THAT on October 27, 2008 at 11:00 a.m., or as soon thereafter as the matter may be heard by the above-entitled Court, located at 940 Front Street, San Diego, California, in the courtroom of the Hon. William Q. Hayes, Plaintiff will, and hereby does, move the Court for an Order granting leave to file a first amended complaint herein.

1 This motion is brought on the grounds that investigation by Plaintiff has revealed new  
2 evidence regarding the existing claims and warrants addition of new parties and claims  
3 relating to the same facts and circumstances at issue in operative complaint. Plaintiff asserts  
4 that amendment of the complaint is the most efficient means of resolving all of the claims  
5 against all of the parties and leave to amend is in the interests of justice. The instant motion  
6 is necessitated as a result of Defendants' refusal to consent to filing of the First Amended  
7 Complaint.

8  
9 This motion is based on this notice of motion and motion, the accompanying  
10 Memorandum of Points and Authorities, the Declaration of Lowell Robert Fuselier and  
11 Exhibits, the proposed First Amended Complaint lodged contemporaneously herewith, the  
12 pleadings and papers on file herein, and upon such other matters as may be presented to the  
13 Court in writing or at the time of the hearing hereon.

14  
15 DATED: September 15, 2008

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18 /s/ Lowell Robert Fuselier  
19 Lowell Robert Fuselier  
20 Kaloogian & Fuselier, LLP  
21 Attorneys for Plaintiff,  
22 SAN DIEGO MINUTEMEN  
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